

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICIA IRENE CRAWFORD,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 3:21-CV-5178-DWC

ORDER DENYING MOTION FOR
RECONSIDERATION

On January 11, 2022, the Court determined, based on the parties' agreement, that the Administrative Law Judge ("ALJ") erred when evaluating Plaintiff's claim for disability benefits. Dkt. 17.¹ The Court concluded further administrative proceedings by an ALJ would be useful and remanded the case for further proceedings, rather than for an award of benefits. *Id.* The Court entered judgment for Plaintiff on the same date. Dkt. 18. Plaintiff has filed a timely

¹ Pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, and Local Rule MJR 13, the parties have consented to have this matter heard by the undersigned Magistrate Judge. *See* Dkt. 4.

1 Motion for Reconsideration arguing the Court committed “manifest error” when it declined to
2 award benefits. Dkt. 20.

3 A motion for reconsideration under Federal Rule of Civil Procedure 59(e) “offers an
4 extraordinary remedy, to be used sparingly in the interest of finality and conservation of judicial
5 resources.” *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (internal citations and
6 quotation marks omitted).² “Indeed, ‘a motion for reconsideration [under Rule 59(e)] should not
7 be granted, absent highly unusual circumstances, unless the district court is presented with newly
8 discovered evidence, committed clear error, or if there is an intervening change in the controlling
9 law.’ ” *Id.* (quoting *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)).
10 “A Rule 59(e) motion may not be used to raise arguments or present evidence for the first time
11 when they could reasonably have been raised earlier in the litigation.” *Id.*

12 In reaching its decision, the Court considered the record as a whole and the arguments of
13 the parties, including Plaintiff’s previously raised arguments requesting remand for an award of
14 benefits. *See* Dkt. 17; *see also* Dkt. 11, 16. The Court noted that several of Plaintiff’s arguments
15 were persuasive; however, the Court determined there were conflicts in the record and a useful
16 purpose would be served by remanding this case to the Social Security Administration for further
17 administrative proceedings. Dkt. 17. In the Motion for Reconsideration, Plaintiff has merely
18 reiterated and expanded on arguments previously before the Court. *See* Dkt. 20. She has not
19 presented the Court with newly discovered evidence, shown the Court committed clear error, or
20 shown there is an intervening change in the controlling law.

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23 ² “[A] timely filed motion for reconsideration under a local rule is construed as a motion to alter or amend a
24 judgment under Rule 59(e).” *Shapiro ex rel. Shapiro v. Paradise Valley Unified Sch. Dist. No. 69*, 374 F.3d 857, 863
(9th Cir. 2004).

1 The Court considered the record as a whole, including Plaintiff's arguments, when
2 reaching its decision. Plaintiff has failed to show the Court committed clear legal error.
3 Accordingly, Plaintiff's Motion for Reconsideration (Dkt. 20) is denied.

4 Dated this 31st day of January, 2022.

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7 David W. Christel
8 United States Magistrate Judge
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